THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5211 of 2007

Dated: 15-03-2007

Between:

P. Santhosh.

..... PETITIONER

AND

The Joint Collector, Adilabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5211 of 2007

ORDER:

The petitioner allegedly purchased land in survey Nos.42/1 and 43/2 situated at Chinna Siddapur, Bejjur Village and Mandal, Adilabad District from fourth respondent under ordinary sale deeds (unregistered documents) in 1998 and 2000. He approached respondent No.3, namely, the Mandal Revenue Officer(MRO), seeking regularization of the transactions and MRO, by proceedings dated 17.06.2006, issued Forms XIII A, B and C regularizing the same. He alleges that subsequently he also obtained mutation in his favour as well as pattadar passbooks (PPBs) and title deeds (TDs) from MRO. Aggrieved by said proceedings of MRO dated 17.06.2006, fourth respondent filed an appeal before second respondent and the same was admitted on 05.02.2007. The petitioner then preferred a revision petition before first respondent. While admitting the revision, first respondent refused to grant stay on 07.03.2007, aggrieved by which instant writ petition is filed.

The learned counsel for the petitioner submits that second respondent, while entertaining the appeal, set aside Forms XIII B and C and if the same is not stayed, there is likelihood of MRO dispossessing the petitioner. **Opposing** the writ petition, the learned Assistant Government Pleader for Revenue (General-T) submits that the appeal is still pending before second respondent and therefore, first respondent was justified in refusing to stay.

A perusal of the order of second respondent dated 05.02.2007 and the order of first respondent dated 07.03.2007 would show that the respondent officials exercised discretion while refusing to grant stay. The submission of the learned counsel for the petitioner that MRO was directed to handover possession to fourth respondent is misconceived as there is no such direction. By reason of refusal to stay, whatever the right the petitioner gets under Forms XIII B and C would not be available during the pendency of the appeal. Therefore, this Court is of the considered opinion that second respondent should dispose of the appeal itself within a period of three weeks from the date of receipt of a copy of this order. However, if the petitioner is aggrieved by any order that may be passed by second respondent, he may prefer further revision to first respondent. In this writ petition this Court is not inclined to grant any relief.

The writ petition, with the above observations is accordingly disposed of. No costs.

(**V.V.S.RAO, J**)

15th March, 2007
ghn